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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,041	10/27/2000	Roberto Cappelletti	99CA24453248	7413

7590

03/28/2003

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EXAMINER

VO, DON NGUYEN

ART UNIT	PAPER NUMBER
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2631

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DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Am

Office Action Summary

Application No.

09/699,041

Applicant(s)

CAPPELLETTI ET AL.

Examiner

DON N VO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-34 is/are allowed.
- 6) ☒ Claim(s) 7,21 and 35-39 is/are rejected.
- 7) ☒ Claim(s) 8-20 and 40-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Acknowledgement

1. The Preliminary Amendment filed on 10/27/00 has been received and placed of record. Accordingly, claims 7-42 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 7, 21, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argyroudis (5,892,758) in view of Santore et al (5,615,211).

Regarding claims 7 and 35-39, Argyroudis, as shown in figure 2, teaches a data transceiver station comprising: a modem (226, 234) to be connected to a transmission line for receiving digital data; a microprocessor (214) connected to said modem for receiving demodulated digital data therefrom; and an interface circuit (224) connected between said microprocessor and said modem. See also column 12, lines 14-60. Argyroudis fails to particularly teach the interface circuit being capable of operating between the Packet Mode transmission or a Bit Mode transmission. However, Santore teaches communication system having interface being capable of operating between the Packet Mode transmission or a Bit Mode transmission. See column 5, line 46 to column 6, line 6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interface circuit (224) by employing the teaching of Santore so that the system of Argyroudis can support both Packet Mode transmission and Bit Mode transmission. Such modification would extend the operating capability of the system since it could operate in two modes.

Regarding claim 21, Argyroudis fails to particularly teach the modem (226, 234) to provide the demodulated digital data based upon frequency shift keying demodulation. However, it is well known in the art of digital communication to have a modem to modulate or demodulate data using FSK technique. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the FSK modulation/demodulation technique for the modem (226, 234) of Argyroudis since it is just one type of digital communications.

Allowable Subject Matter

4. Claims 22-34 are allowed over prior art of record.
5. Claims 8-20 and 40-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References Peterson (4,538,224), Jacobs (5,157,519) and Adachi et al (5,777,991) are cited because they are pertinent to the digital communications having modem, interface and processor coupled together.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N VO whose telephone number is (703) 305-4885. The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (703) 305-4378. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



DON N VO
Primary Examiner
Art Unit 2631

March 21, 2003